IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.1186 OF 2003
IN
SUMMARY SUIT NO.1689 OF 2003

Dr.Moti Kothari .. Plaintiff

Vs.

M/s.Deven Traders and Ors. .. Defendants

Ms.Sheetal Thakkar for the plaintiff

CORAM : S.U.KAMDAR, J
DATED : 31ST AUGUST, 2005

P.C.:

1. The present suit is filed for the recovery of sum of Rs.1.0 lac with interest thereon. The liability arises out of bill of exchange dt.8.12.98. The demand notice is issued. However, inspite of notice no amount was paid and accordingly the present suit is filed for the recovery of the aforesaid amount. The plaintiff has filed compilation of documents which are taken on record and marked Ex.P-1 collectively. Writ of Summons were served on the defendants. They have filed their appearance and accordingly Summons for Judgment was taken out being Summons for Judgment

No.1186 of 2003. Summons for Judgment was served. An Affidavit of service dt.7.3.05 is filed. The same is taken on record. Inspite of service of the Summons for Judgment, the matter came up before me on the last occasion i.e.24.8.05 when I directed the advocate for the plaintiff to once again give notice to the advocate for the defendants. Pursuant thereto, notice has been given which has been received by the Advocate for the defendants. Inspite of the same neither the defendants are appearing nor there is any affidavit in reply to the Summons for Judgment. In view thereof, suit is decreed as prayed. Summons for Judgment is made absolute. Refund of Court Fee as per rules. Suit as well as Summons for Judgment disposed of accordingly.